

Court of Appeals, Division One
Civil Appeal

1 CA-CV 16-0042

RUSSO v. TRI-RENTALS et al.

Appellate Case Information

Case Filed: 25-Jan-2016
Case Closed:

Dept/Composition

Side 1. RUSSO AND STEELE, L.L.C., an Arizona limited liability company, Plaintiff/Appellee
(Litigant Group) RUSSO AND STEELE LLC

- Russo and Steele LLC

Attorneys for: Plaintiff/Appellee

Garrett J Olexa, Esq. (AZ Bar No. 16685)
John J Egbert, Esq. (AZ Bar No. 11469)
Scott F Frerichs, Esq. (AZ Bar No. 12715)

Side 2. TRI-RENTALS, INC., an Arizona corporation; CLASSIC PARTY RENTALS, INC., Defendant/Appellant
(Litigant Group) TRI-RENTALS INC et al.

- Tri-Rentals Inc
- Classic Party Rentals Inc

Co-Counsel for: Defendants/Appellants

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)
Gary L Popham, Jr., Esq. (AZ Bar No. 22260)
Donald H Dawson, Jr., Esq. (MI Bar No. DonaldHDawson)
Kathleen A Clark, Esq. (MI Bar No. KathleenAClark)

CASE STATUS

Sep 9, 2016.....At Issue

PREDECESSOR CASE(S) +	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2010-011542	Trespass, Conversion, Tort-Non Motor Vehicle, Breach of Covenant of Good Faith and Fair Dealing, Products Liability		J Richard Gama, Authoring Judge of Order		
MAR CV2010-012757	Negligence; Gross Negligence; Breach of Duty of Good Faith and Fair Dealing				
MAR CV2010-015105					
MAR CV2010-052812					

73 PROCEEDING ENTRIES

- 25-Jan-2016 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/23/15
- 25-Jan-2016 FILED: e-Record on Appeal (CV2010-011542)
Instruments/Minute Entries
Exhibits - not sent at this time
- 25-Jan-2016 FILED: e-Record on Appeal (CV2010-012757):
Instruments/Minute Entries
- 25-Jan-2016 FILED: e-Record on Appeal (CV2010-015105):
Instruments/Minute Entries
- 25-Jan-2016 FILED: e-Record on Appeal (CV2010-052812):
Instruments/Minute Entries
- 25-Jan-2016 FILED: e-Record on Appeal (CV2011-008605)
Instruments/Minute Entries

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7.	25-Jan-2016	FILED: e-Record on Appeal (CV2011-010179): Instruments/Minute Entries
8.	25-Jan-2016	FILED: e-Record on Appeal (CV2011-013784): Instruments/Minute Entries
9.	25-Jan-2016	FILED: e-Record on Appeal (CV2011-095160): Instruments/Minute Entries
10.	25-Jan-2016	FILED: e-Record on Appeal (CV2011-095290): Instruments/Minute Entries
11.	25-Jan-2016	FILED: e-Record on Appeal (CV2012-003021): Instruments/Minute Entries
12.	25-Jan-2016	FILED: e-Record on Appeal (CV2012-003048): Instruments/Minute Entries
13.	27-Jan-2016	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
14.	29-Jan-2016	FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
15.	3-Feb-2016	RECEIPT No.: 2016-00138 ; \$280.00, Authorization: 33019314143, Applied to: TRI-RENTALS INC et al. - Class A Filing Fee (\$280.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems IN
16.	9-Feb-2016	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
17.	16-Feb-2016	FILED: Case Management Statement; August 27, 2015 signed Judgment; November 30, 2015 signed modified Judgment; December 8, 2015 signed Order denying Defendants' Motion for New Trial, to Alter or Amend the Judgment and Renewed Motion for Judgment as a Matter of Law (Appellant)
18.	16-Feb-2016	FILED: Case Management Statement; August 27, 2015 signed Judgment; November 30, 2015 signed modified Judgment; December 8, 2015 signed Order denying Defendants' Motion for New Trial, to Alter or Amend the Judgment and Renewed Motion for Judgment as a Matter of Law (Appellant)
19.	17-Feb-2016	FILED: Reporter's Transcript - 2/23/15 - Final Trial Management Conference (Michele Kaley)
20.	17-Feb-2016	FILED: Reporter's Transcript - 2/23/15 - Final Trial Management Conference (Michele Kaley)
21.	17-Feb-2016	FILED: Reporter's Transcript - 3/11/15 - Trial (Michele Kaley)
22.	17-Feb-2016	FILED: Reporter's Transcript - 3/12/15 - Trial (Michele Kaley)
23.	17-Feb-2016	FILED: Reporter's Transcript - 2/27/13 - Oral Argument (Michele Kaley)
24.	22-Feb-2016	FILED: Reporter's Transcript – 03/16/2015 - Trial (Michele Kaley)
25.	22-Feb-2016	FILED: Reporter's Transcript – 03/17/2015 - Trial (Michele Kaley)
26.	22-Feb-2016	FILED: Reporter's Transcript – 03/18/2015 - Trial (Michele Kaley)
27.	22-Feb-2016	FILED: Reporter's Transcript – 02/19/2015 - Trial (Michele Kaley)
28.	22-Feb-2016	FILED: Reporter's Transcript – 03/23/2015 - Testimony of Christopher Michael Yates (Michele Kaley)
29.	22-Feb-2016	FILED: Reporter's Transcript – 03/19/2015 - Trial (Michele Kaley) (Amended)
30.	2-Mar-2016	FILED: Reporter's Transcript – 03/23/2015 - Testimony of Christopher Michael Yates (Michele Kaley)
31.	2-Mar-2016	FILED: Reporter's Transcript – 03/24/2015 - Trial (Michele Kaley)

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32.	2-Mar-2016	FILED: Reporter's Transcript – 03/25/2015 - Trial (Michele Kaley)
33.	2-Mar-2016	FILED: Reporter's Transcript – 03/26/2015 - Trial (Michele Kaley)
34.	2-Mar-2016	FILED: Reporter's Transcript – 03/31/2015 - Trial (Michele Kaley) (unsigned)
35.	2-Mar-2016	FILED: Reporter's Transcript – 03/30/2015 - Trial (Michele Kaley)
36.	2-Mar-2016	FILED: Reporter's Transcript – 03/30/2015 - Trial (Michele Kaley) (unsigned)
37.	11-Mar-2016	FILED: Notice of Payment of Filing Fee; Certificate of Service for Notice of Payment of Filing Fee (Appellee)
38.	14-Mar-2016	FILED: Amended Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
39.	15-Mar-2016	RECEIPT No.: 2016-00338 ; \$140.00, Authorization: #74023510838, Applied to: RUSSO AND STEELE LLC - Class B Filing Fee (\$140.00) Paid for: Jennings Strouss & Salmon PLC - By Integrated Resource Systems IN
40.	21-Mar-2016	FILED: Reporter's Transcript – 03/11/2015 - Trial (Michele Kaley)
41.	21-Mar-2016	FILED: Reporter's Transcript – 04/01/2015 - Trial (Michele Kaley)
42.	21-Mar-2016	FILED: Reporter's Transcript – 04/02/2015 - Trial (Michele Kaley)
43.	21-Mar-2016	FILED: Reporter's Transcript – 04/06/2015 - Trial (Michele Kaley)
44.	21-Mar-2016	FILED: Reporter's Transcript – 04/07/2015 - Trial (Michele Kaley)
45.	21-Mar-2016	FILED: Reporter's Transcript – 04/09/2015 - Trial (Michele Kaley)
46.	21-Mar-2016	FILED: Reporter's Transcript – 04/13/2015 - Trial (Michele Kaley)
47.	21-Mar-2016	FILED: Reporter's Transcript – 04/14/2015 - Trial (Michele Kaley)
48.	21-Mar-2016	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
49.	21-Mar-2016	FILED: Reporter's Transcript – 04/15/2015 - Trial (Michele Kaley)
50.	21-Mar-2016	FILED: Reporter's Transcript – 04/16/2015 - Trial (Michele Kaley)
51.	21-Mar-2016	FILED: Reporter's Transcript – 04/08/2015 - Trial (Michele Kaley)
52.	22-Mar-2016	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-28-2016 to Wednesday, 04-27-2016. Barbara Vidal Vaught ProTem Judge - Author
53.	31-Mar-2016	ORDERED: consolidating cases 1 CA-CV 15-0047, 1 CA-CV 15-0107, 1 CA-CV 15-0127, 1 CA-CV 15-0249, 1 CA-CV 15-375, 1 CA-CV-15-0508, 1 CA-CV 15-0513, 1 CA-CV 15-0624, 1 CA-CV 15-0689, 1 CA-CV 15-0728, 1 CA-CV 15-0753, 1 CA-CV 16-0002 and 1 CA-CV 16-0042 for a limited purpose of considering this court's appellate jurisdiction in these cases. Case No 1 CA-CV 15-0047 is designated as primary number and above caption (or a shortened version listing at a minimum captions in Case No. 1 CA-CV 15-0047 and case number(s) in which filer is a party) shall be used on all future documents filed. FURTHER ORDERED: Directing any party to this consolidated appeal wishing to be heard on issue of whether order being appeal from in their specific case(s) must contain Rule 54 (c) language may file a memorandum, not to exceed 10 pages, on/before 4/20/16. No responses to memoranda will be permitted. Court will only accept a memorandum addressing this issue if filing party has paid filing fee in case number(s) in which filer is a party. FURTHER ORDERED: Staying all other aspects of this consolidated appeal that do not relate to Rule 54 (c) issue pending further order. Hon Kent E Cattani Judge - Author
54.	11-Apr-2016	FILED: Appellees' Reply in Support of Motion to Supplement the Record on Appeal; Certificate of Filing and Service Regarding Appellees' Reply in Support of Motion to Supplement the Record on Appeal (Appellees re 1 CA-CV 15-0107)
55.	13-Apr-2016	FILED: Response to Court's Order re: Jurisdiction by Tri-Rentals, Inc. and Classic Party Rentals, Inc.; Certificate of Service (Appellant - CV-16-0042)
56.	2-May-2016	FILED: Notice of Change of Firm Address; Certificate of Service (Appellant Tri-Rentals (CV-16-0042))
57.	3-May-2016	ORDERED: any response to motion to strike (surreply in CV-15-0728) must be filed on/before 5/13/16. Appellant may file a reply in accordance with ARCAP 6 (a) (2). FURTHER ORDERED: Court will rule on motion following expiration of time for a response and, if applicable, a reply. Melina Brill ProTem Judge - Author
58.	11-May-2016	FILED: Appellee's Response to Appellants Motion to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief; Proof of Service (Appellee, Erick re 1 CA-CV 15-0728)

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59. 26-May-2016 ORDERED: Consolidating case 1 CA-CV 15-0276 with previously consolidated case 1 CA-CV 15-0047 for sole purpose of considering Court's appellate jurisdiction. Case No. 1 CA-CV 15-0047 is designated primary number. FURTHER ORDERED: Removing case 1 CA-CV 16-0002 from this consolidated appeal. FURTHER ORDERED continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in 1 CA-CV 15-0276 that wishes to be heard on issue of order being appealed from is required to contain Rule 54(c) language may file a memorandum on/before 06/06/2016. Hon Kent E Cattani Judge - Author
60. 27-May-2016 FILED: Appellants Reply to Appellees Response to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
61. 2-Jun-2016 FILED: Motion by Tri-Rentals, Inc. and Classic Party Rentals, Inc. to Remove Their Appeal from Consolidation and Lift Stay; Certificate of Service; Exhibit A (Appellants re 1 CA-CV 16-0042)
62. 6-Jun-2016 FILED: Plaintiff's Response in Support of Motion by Tri-Rentals, Inc. and Class Party Rentals, Inc. to Remove Thier Appeal from Consolidation and Lift Stay; Certificate of Service (Appellee re 1 CA-CV 16-0042)
63. 7-Jun-2016 ORDERED: Motion by Tri-Rentals, Inc. and Classic Party Rentals, Inc. to Remove Their Appeal from Consolidation and Lift Stay (Appellant) = GRANTED/deconsolidating CV 16-0042 from CV 16-0047. FURTHER ORDERED: Terminating stay of appeal. FURTHER ORDERED: Opening Brief due 07/08/2016. Hon Kent E Cattani Judge - Author
64. 24-Jun-2016 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
65. 3-Aug-2016 FILED: Motion for Extension of Time for Filing Answering Brief; Certificate of Service for Motion for Extension of Time for Filing Answering Brief (Appellee)
66. 4-Aug-2016 ORDERED: Motion for Extension of Time for Filing Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-08-2016 to Monday, 08-22-2016. Barbara Vidal Vaught ProTem Judge - Author
67. 22-Aug-2016 FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
68. 9-Sep-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
69. 9-Sep-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellants)
70. 4-Oct-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
71. 13-Oct-2016 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Oral argument will be scheduled in normal course of court's civil appeals calendar, and court will notify counsel of date. Hon Michael J Brown - Author
72. 14-Oct-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
73. 14-Oct-2016 FILED: Additional Record on Appeal:
Exhibits: HD 03/10/2015 - LIST # 1 2 7 9 13 14 15 16 22 23 25 26 29 31 33.001 33.002 33.003 36 37 39 40 42 44 46 49 50 51 53
54 55 57 58 60.001 60.002 60.003 60.004 60.005 60.006 60.007 60.008 66 67 72 75 80 84 90 92 93 94 95 96 97 98 100 111 113
115 126(SEALED) 166 171 172 173 174 175 176 197 206 207 208 244 245 248 249 250 256 257 258 259 261 262 263 267 269
272 275 276 281 283 284 297 300 310 313 314 315 317 318 319 320 321 322 323 325 341 342 343 345 347 349 350 354 364
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